

FLORIDA BUILDING COMMISSION
Accessibility TAC
Subcommittee for Review of the 1997 Edition of the
Florida Accessibility Code for Building Construction

Report of Subcommittee's Recommendations

The Subcommittee's recommendations are grouped in categories indicating the action that would be required to implement each recommendation. Simple formatting and clarification changes could probably be made either with an errata sheet or through technical rulemaking, an abbreviated form of rulemaking. Substantive changes to the Florida Accessibility Code for Building Construction (Code) must be made through the formal Chapter 120 rulemaking process. Also, substantive changes that alter the Florida-specific provisions of the Code may require legislative change to the statute prior to rulemaking. Finally, pursuant to section 553.506, Fla. Stat., ADAAG provisions may not be amended unless the amendment is to adopt a revised version of ADAAG.

The categorization of these recommendations was prepared by DCA's technical and legal staff. Prior to the implementation of any of these changes, DCA will consult the Joint Administrative Procedures Committee to determine which changes would require rulemaking, and whether changes could be accomplished through an errata sheet, technical rulemaking, or formal rulemaking. DCA will also consult the Department of Justice to ascertain that alterations to the Code would not negatively impact the certification of the Code as equivalent to or more stringent than federal accessibility standards.

I. Formatting and Clarification Changes

1. General - make font size of Accessibility Code consistent with that of the Florida Building Code.
2. Page 1-3 - Update "Responsible Agencies" section with resource names and phone numbers.
3. Page 3 - Delete the four sections of chapter 553 (553.513, 553.75(3), 553.505, and 553.512) that are printed in the front of the Code and replace with the entire text of sections 553.501-553.513, Fla. Stat. Note: the four sections of chapter 553 that currently appear in the Code contain references to the Board rather than the Commission.
4. Page 12 - Under definition of "Readily Achievable," sections (3), (4) and (5) should be shaded to identify federal language added to ADAAG in Code.

5. Pages 15, 19, 26, 27, & 65 - Correct sentence in grey box which reads, "Therefore, facilities subject to the ADA may be required to provide vertical access to areas otherwise exempt under 4.1.3(5)(a)(3) of this code" to refer to "4.1.3(5)" instead of "4.1.3(5)(a)(3)" or "4.1.3(5)(3)," the erroneous correction in the 10/1/97 errata sheet.
6. Page 16 - Remove shading from parking table (it appears in ADAAG).
7. Page 19 - Shade first paragraph of Exception 4 of section 4.1.3, as it is slightly different than ADAAG (this does not include sections (a) - (d) of the exception, just the first paragraph).
8. Page 32 - Subcommittee suggests removing reference to "subpart C" of federal regulation 28 CFR 36 from Section 4.1.8(1) because this is not in Florida law; however, legal advises that this is an unnecessary change because it is just a citation to the federal regulation and its appearance here does not affect Florida law whatsoever.
9. Page 37 - Second two fractions in section 4.5.2 are in different font and should be changed to conform to font of first two fractions, or vice versa.
10. Page 93 - In title of Fig. 10, correct "Passenter" to read "Passenger."
11. General - Move all drawings and tables back into the text of the code, as ADAAG is currently structured.
12. Various pages throughout Code - As of now, all language that is an addition to or change from ADAAG (on which the Code is based) appears in a grey-shaded box. The Subcommittee suggests that all added language that is a Florida accessibility requirement (and therefore could be waived) remain shaded, and all added federal language that is shaded now should appear in a different format, for example, a line around the language. This way, Florida requirements would be differentiated from federal language.
13. Add to first page of chapter 11 of Florida Building Code statement that application for waiver and application instructions are available online at [website address] or by calling DCA at 850-487-1824.

II Changes possibly requiring rulemaking

1. Pages 15, 18, & 25, in grey boxes - The following language should be deleted from these locations and relocated to the beginning of the Code: "**This edition of the code does not apply to buildings, structures, or facilities which were either under construction or under contract for construction on October 1, 1997.**" The appearance of this language throughout the Code is misleading and would provide more clarity if it was included with the general information in the beginning of the Code.

2. Page 19 - Delete Exception 1 to section 4.1.3 (Exception is language regarding federal elevator exemption). Subcommittee recommends investigating this with Dept. of Justice prior to taking any action, because the State of Florida does not have the authority to delete ADAAG provisions which were in place when ADAAG was adopted as the law of this state.
3. Page 20 - In sections 4.1.3(8) and (9), add reference to section 553.504(15), Fla. Stat., regarding barrier removal. Possible contradiction between statute and Code – section 553.504(15) requires that “barriers at common or emergency entrances and exits of business establishments . . . which would prevent a person from using such entrances or exits shall be removed,” while section 4.1.3(8)(a)(i) (from ADAAG) requires only that “at least 50% of all public entrances . . . must be accessible.”
4. Page 32 - Add to section 4.1.8 additional language regarding architectural barrier removal from 28 CFR 36.304.
5. Page 38 - In section 4.6.2(3), insert all language from section 553.5041(5)(d) & (e), Fla. Stat., regarding parallel parking. (Note: this statutory language appears in section 4.6.3.)
6. Page 39 - In section 4.6.4, include statutorily required height of sign.
7. Page 41 - In section 4.8.3, either delete entire Exception or add the word “Curb” to the beginning of the Exception. Section 553.504(5)(b), Fla. Stat., states, “Curb ramps that are a part of a required means of egress shall be not less than 44 inches wide,” but section 4.8.3 Exception, regarding ramps (not curb ramps), states, “Ramps that are a part of a required means of egress shall be not less than 44 inches wide.”
8. Page 61 - Add vertical accessibility language (section 553.509, Fla. Stat.) to section 4.33.3 (Assembly Areas).
9. Page 70 - In shaded box under section 9.1.2, delete the word “additional” from second to last line of text; it is not found in section 553.504(9), Fla. Stat., from which this language is taken.
10. Page 93 - Figs. 9(a) and (b), diagrams of accessible parking spaces, do not include required blue striping. Provide accurate diagram of accessible parking space requirements in Code and accurate diagram of signage with DOT dimensions, pursuant to § 553.5041, Fla. Stat. Subcommittee recommends using DOT diagram of accessible parking space. Also include reference to signage diagram in text of section 4.6.4 on page 39.
11. Page 93 - Add Figure 9(c), a diagram of accessible requirements for parking garages.

12. Recommendation from DCA legal staff: Update application for accessibility waiver (form 1997-03, as adopted in Rule 9B-7.003(1), Fla. Admin. Code) to reflect current criteria for showing hardship necessary to obtain a waiver as set forth in rule 9B-7.003(6).

III. Changes possibly requiring legislative action

1. The Subcommittee discussed adding either some combination of or all of subparts A, B, C and D of federal regulation 28 CFR 36 to Florida's law and to the introduction to the Code.
2. Page 81 - Section 11, "Residential Buildings," includes the requirement of "a 29-inch clear opening" for a door to at least one bathroom provided on habitable grade levels in certain residential buildings. This requirement is set forth in section 553.504(2), Fla. Stat., and has been in longtime conflict with the 32-inch door width requirement of the Fair Housing Act, which applies to some of the residential buildings covered by section 553.504(2). The Subcommittee feels that the statute (and Code) should be changed to require a 32-inch clear opening to conform with the requirements of the Fair Housing Act, especially since the federal Fair Housing Act regulations are now included in the Florida Building Code along with the Accessibility Code.
3. Adopt the most current elevator/lift standards. This would probably require legislative action and could affect Dept. of Justice certification of the Code. Concern is consistency with Florida Building Code elevator/lift standards and with ADAAG elevator/lift standards, both of which may be amended in the near future.

IV. General Recommendations:

1. Subcommittee recommends that future versions of the FACBC (chapter 11 of the Florida Building Code) also be published as a stand alone document, available separately from the rest of the Florida Building Code.
2. Ensure that all corrections in 10/1/97 errata sheet are incorporated into FACBC as it appears in chapter 11 of the Florida Building Code.
3. All website text and drawings should be consistent with the Florida Accessibility Code for Building Construction, 1997 Edition, as certified by the Department of Justice.
4. All figures and tables used Chapter 11, the Plumbing Code, or other parts of the Florida Building Code should be consistent with the Florida Accessibility Code for Building Construction, 1997 Edition, as certified by the Department of Justice.

V. **DCA Staff Recommendations for Additions to Chap. 35 of Florida Building Code, Reference Standards:**

1. Add reference standard ANSI A117.1 -1986 to Chapter 35, Reference Standard of the Florida Building Code, referring to "Detectable Warnings on Walking Surfaces" (page 58 - FACBC).
2. Add reference standard ASME A117-1990 to Chapter 35, Reference Standards of the Florida Building Code, referring to "Elevators" (page 43 of FACBC). Note: Chapter 27, Elevators, references ASME/ANSI A117-1993.
3. Add reference standard ASME A117-Section XX,1990, to Chapter 35, Reference Standards of the Florida Building Code, referring to "Platform Lifts (Wheelchair Lifts)" (Page 46 of FACBC). Note: Chapter 11 Section 4.11.2 text references this standard.
4. Add reference standard ASME A117.1 -1990 to Chapter 35, Reference Standards of the Florida Building Code, referring to "Emergency Communications" (Page 46 of FACBC). Note: Chapter 11, Section 4.10.14 text references this standard.
5. Add reference standard ANSI/BHMA A156.10-1985 and ANSI/RHMA A156.19-1984 to Chapter 35, Reference Standards of the Florida Building Code, referring to "Automatic Doors and Power-Assisted Doors" (Page 48 of FACBC). Note: Chapter 11, Section 4.13.12 text references this standard.